

FILED NOV 10 1998

By Leufonia Thompson

HJ.R. No. 16

A JOINT RESOLUTION

1 proposing a constitutional amendment to authorize garnishment of
2 wages for the enforcement of court-ordered spousal maintenance.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 28, Article XVI, Texas Constitution, is
5 amended to read as follows:

6 Sec. 28. No current wages for personal service shall ever be
7 subject to garnishment, except for the enforcement of
8 court-ordered:

9 (1) child support payments; or

10 (2) spousal maintenance.

11 SECTION 2. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held on November 2,
13 1999. The ballot shall be printed to permit voting for or against
14 the proposition: "The constitutional amendment authorizing
15 garnishment of wages for the enforcement of court-ordered spousal
16 maintenance."

HOUSE COMMITTEE REPORT

1st Printing

By Thompson, Hill

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16 maintenance."

COMMITTEE REPORT

The Honorable James E. "Pete" Laney
Speaker of the House of Representatives

4/26/99
(date)

Sir:

We, your COMMITTEE ON JUVENILE JUSTICE AND FAMILY ISSUES

to whom was referred HJR 16 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.
- ☐ do pass, with amendment(s).
- ☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- ☒ yes ☐ no A fiscal note was requested.
- ☐ yes ☒ no A criminal justice policy impact statement was requested.
- ☐ yes ☒ no An equalized educational funding impact statement was requested.
- ☐ yes ☒ no An actuarial analysis was requested.
- ☐ yes ☒ no A water development policy impact statement was requested.
- ☐ yes ☒ no A tax equity note was requested.
- ☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Goodman, Chair	<input checked="" type="checkbox"/>			
Pickett, Vice-chair	<input checked="" type="checkbox"/>			
Isett	<input checked="" type="checkbox"/>			
King, P.	<input checked="" type="checkbox"/>			
Morrison	<input checked="" type="checkbox"/>			
Naishtat	<input checked="" type="checkbox"/>			
Reyna, A.				<input checked="" type="checkbox"/>
Reyna, E.				<input checked="" type="checkbox"/>
Truitt	<input checked="" type="checkbox"/>			

Total

7 aye
0 nay
2 present, not voting
2 absent

Lois Goodman
CHAIR

BILL ANALYSIS

Office of House Bill Analysis

H.J.R. 16
By: Thompson
Juvenile Justice and Family Issues
4/7/1999
Introduced

BACKGROUND AND PURPOSE

Prior to 1995, child support was the only type of family support that could be ordered in Texas and the only type of family support for which wages may be garnished. The 1995 welfare reform bill included a provision for limited spousal maintenance in an attempt to keep a spouse with limited job skills and financial resources off government assistance, but spousal maintenance has been hard to enforce without a garnishment provision. Consequently, many ex-spouses who should be receiving spousal maintenance are not doing so, and remain eligible for and continue to receive government assistance.

As proposed, H.J.R. 16 requires the submission to the voters of a constitutional amendment providing that current wages for personal service are subject to garnishment for the enforcement of court-ordered spousal maintenance.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28, Article XVI, Texas Constitution, to provide that current wages for personal service are subject to garnishment for the enforcement of court-ordered spousal maintenance.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 2, 1999. Sets forth the required language for the ballot.

SUMMARY OF COMMITTEE ACTION

HJR 16

April 26, 1999 1:30PM or upon adjournment
Considered in public hearing
Testimony taken in committee
Reported favorably without amendment(s)

WITNESS LIST

HJR 16
HOUSE COMMITTEE REPORT
Juvenile Justice & Family Issues Committee

April 26, 1999 - 1:30PM or upon adjournment

Against: Green, Jr., Robert L. (Self and Texas Fathers Alliance)
Registering, but not testifying:

Against: Shelton, David Allen (Self and Texas Fathers Alliance)

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 26, 1999

TO: Honorable Toby Goodman, Chair, House Committee on Juvenile Justice & Family Issues

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR16 by Thompson (Proposing a constitutional amendment to authorize garnishment of wages for the enforcement of court-ordered spousal maintenance.), **As Introduced**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$76,352.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office Of The Attorney General

LBB Staff: JK, MD

F

HOUSE ENGROSSMENT

By Thompson, Hill

H.J.R. No. 16

A JOINT RESOLUTION

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12 submitted to the voters at an election to be held on November 2,
13 1999. The ballot shall be printed to permit voting for or against
14 the proposition: "The constitutional amendment authorizing
15 garnishment of wages for the enforcement of court-ordered spousal
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Local Government Impact

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Source Agencies: 302 Office Of The Attorney General

LBB Staff: JK, MD

1-1 By: Thompson, Hill (Senate Sponsor - Harris) H.J.R. No. 16
1-2 (In the Senate - Received from the House May 10, 1999;
1-3 May 10, 1999, read first time and referred to Committee on State
1-4 Affairs; May 12, 1999, rereferred to Committee on Jurisprudence;
1-5 May 13, 1999, reported favorably by the following vote: Yeas 3,
1-6 Nays 0; May 13, 1999, sent to printer.)

1-7 HOUSE JOINT RESOLUTION

1-8 proposing a constitutional amendment to authorize garnishment of
1-9 wages for the enforcement of court-ordered spousal maintenance.

1-10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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1-14 subject to garnishment, except for the enforcement of
1-15 court-ordered:

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1-17 (2) spousal maintenance.

1-18 SECTION 2. This proposed constitutional amendment shall be
1-19 submitted to the voters at an election to be held on November 2,
1-20 1999. The ballot shall be printed to permit voting for or against
1-21 the proposition: "The constitutional amendment authorizing
1-22 garnishment of wages for the enforcement of court-ordered spousal
1-23 maintenance."

1-24 * * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 16
By Harris
(Author/Senate Sponsor)
5/13/99
(date)

We, your Committee on JURISPRUDENCE, to which was referred the attached measure,
have on 5/12/99, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass and be printed
☐ do pass and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Rodney Ellis, Chair	<input checked="" type="checkbox"/>			
Senator Chris Harris, Vice-Chair	<input checked="" type="checkbox"/>			
Senator J.E. "Buster" Brown			<input checked="" type="checkbox"/>	
Senator Greg Luna			<input checked="" type="checkbox"/>	
Senator Jeff Wentworth	<input checked="" type="checkbox"/>			
TOTAL VOTES	3	0	2	

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

[Signature]
COMMITTEE CLERK

[Signature]
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

WITNESS LIST

HJR 16
SENATE COMMITTEE REPORT
Jurisprudence Committee

May 12, 1999 - 1:00P

On: Baldwin, Howard (Office of Attorney General), Austin, Texas

BILL ANALYSIS

Senate Research Center

H.J.R. 16
By: Thompson (Harris)
Jurisprudence
5/11/1999
Engrossed

DIGEST

Prior to 1995, child support was the only type of family support that could be ordered in Texas and the only type of family support for which wages may be garnished. The 1995 welfare reform bill included a provision for limited spousal maintenance in an attempt to keep a spouse with limited job skills and financial resources off government assistance, but spousal maintenance has been hard to enforce without a garnishment provision. This bill would require the submission to the voters of a constitutional amendment providing that current wages for personal service are subject to garnishment for the enforcement of court-ordered spousal maintenance.

PURPOSE

As proposed, H.J.R. 16 requires the submission to the voters of a constitutional amendment providing that current wages for personal service are subject to garnishment for the enforcement of court-ordered spousal maintenance.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28, Article XVI, Texas Constitution, to provide that no current wages for personal service shall ever be subject to garnishment, except for the enforcement of court-ordered spousal maintenance. Makes conforming changes.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 2 , 1999. Sets forth the required language for the ballot.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

May 12, 1999

TO: Honorable Rodney Ellis, Chair, Senate Committee on Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR16 by Thompson (Proposing a constitutional amendment to authorize garnishment of wages for the enforcement of court-ordered spousal maintenance.), **As Engrossed**

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The cost to the state for publication of the resolution is \$76,352.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office Of The Attorney General
LBB Staff: JK, PE, SD, MD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 26, 1999

TO: Honorable Toby Goodman, Chair, House Committee on Juvenile Justice & Family
Issues

FROM: John Keel, Director, Legislative Budget Board

IN RE: HJR16 by Thompson (Proposing a constitutional amendment to authorize garnishment
of wages for the enforcement of court-ordered spousal maintenance.), **As Introduced**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

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Local Government Impact

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Source Agencies: 302 Office Of The Attorney General

LBB Staff: JK, MD

ENROLLED

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16 maintenance."

H.J.R. No. 16

President of the Senate

Speaker of the House

I certify that H.J.R. No. 16 was passed by the House on May 7, 1999, by the following vote: Yeas 120, Nays 22, 1 present, not voting.

Chief Clerk of the House

I certify that H.J.R. No. 16 was passed by the Senate on May 19, 1999, by the following vote: Yeas 27, Nays 2.

Secretary of the Senate

RECEIVED: _____

Date

Secretary of State

President of the Senate

Speaker of the House

I certify that H.J.R. No. 16⁽¹⁾ was passed by the House on

May 7⁽²⁾

, 1999, by the following vote:

Yeas 120⁽³⁾, Nays 22, 1 present, not voting⁽⁴⁾.

Chief Clerk of the House

I certify that H.J.R. No. 16 was passed by the Senate on

May 19⁽⁵⁾

, 1999, by the following vote:

Yeas 27⁽⁶⁾, Nays 2⁽⁷⁾.

Secretary of the Senate

RECEIVED:

Date

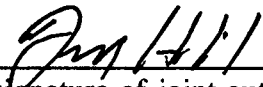
Secretary of State

**** Preparation: CT23;

JOINT AUTHOR AUTHORIZATION

As primary author of H.J.R. 16 I hereby authorize the following joint author(s):
(bill or resolution #)

Rep. Hill
printed name of joint author #1


signature of joint author #1

printed name of joint author #2

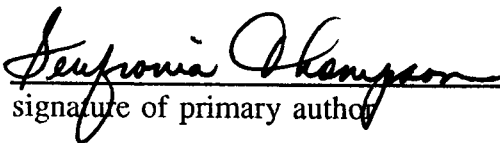
signature of joint author #2

printed name of joint author #3

signature of joint author #3

printed name of joint author #4

signature of joint author #4


signature of primary author

1-19-99
date

ORIGINAL FORM--Place in book

SEND COPIES TO:
Debbie Irvine (Legislative Council)
Legislative Reference Library
House Journal

H.J.R. No. 16

By Leufonia Thompson

Proposing a constitutional amendment to authorize garnishment of wages for the enforcement of court-ordered spousal maintenance.

NOV 10 1998

Filed with the Chief Clerk

FEB 04 1999

Read first time and referred to Committee on Juvenile Justice & Family Issues

APR 26 1999

Reported favorably ~~(unfavorably)~~

APR 29 1999

Sent to Committee on Calendars

MAY 07 1999

Read second time (~~amended~~) (~~amended~~) and adopted (~~passed to third reading~~) by a record vote of 120 yeas, 22 nays, 1 present, not voting

Read third time (amended) and finally adopted (failed of adoption) by a record vote of yeas, nays, present, not voting

MAY 08 1999

Engrossed

MAY 10 1999

Sent to Senate

Sharon Currier
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 10 1999

Received from the House

MAY 10 1999

Read and referred to Committee on STATE AFFAIRS

MAY 12 1999

Referred to JURISPRUDENCE

MAY 13 1999

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 19 1999

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent) yeas, nays)

MAY 19 1999

Read second time, , and passed to third reading by (unanimous consent) (a viva voce vote) (24) yeas, 3 nays)

MAY 19 1999

Senate and Constitutional 3 Day Rules suspended by a vote of 27 yeas, 2 nays

MAY 19 1999

Read third time, , and passed by 27 yeas, 2 nays

May 19, 1999

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 19 1999

Returned from the Senate (~~as substituted~~)
(~~with amendments~~)

House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,
_____, _____, _____

Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____

Conference committee report adopted (rejected) by the House by a record vote of
_____ yeas, _____ nays, _____ present, not voting

Conference committee report adopted (rejected) by the Senate by a record vote of
_____ yeas, _____ nays